

111TH CONGRESS
1ST SESSION

H. R. 4330

To provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. POLIS of Colorado (for himself, Ms. BERKLEY, Mr. CAO, Ms. DEGETTE, Mr. EHLERS, Mr. HIMES, Mr. HINOJOSA, Mr. HOLT, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. NORTON, Mr. PAULSEN, Mr. PERLMUTTER, and Mr. PERRIELLO) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Students Achieving
5 through Reform Act of 2009” or “All-STAR Act of 2009”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to support State efforts
8 to expand and replicate high-quality public charter schools

1 to enable such schools to serve additional students, with
 2 a priority to serve those students who attend identified
 3 schools or schools with a low graduation rate.

4 **SEC. 3. SUPPORT FOR PROVEN CHARTER SCHOOLS AND IN-**
 5 **CREASING THE SUPPLY OF HIGH-QUALITY**
 6 **CHARTER SCHOOLS.**

7 (a) GRANTS AUTHORIZED.—From the amounts ap-
 8 propriated under section 13 for any fiscal year, the Sec-
 9 retary shall award grants, on a competitive basis, to eligi-
 10 ble entities to make subgrants to eligible public charter
 11 schools, and carry out the other activities described in sec-
 12 tion 6, to allow such schools to serve additional students
 13 through the expansion and replication of such schools.

14 (b) AMOUNT OF GRANTS.—In determining the grant
 15 amount to be awarded under this section to an eligible
 16 entity, the Secretary shall take into consideration—

17 (1) the number of eligible public charter schools
 18 under the jurisdiction of the eligible entity that are
 19 operating, are approved to open, or are likely to
 20 open during the duration of the grant;

21 (2) the number of seats for new students that
 22 could be created in such schools with such grant;

23 (3) the number of students eligible for free or
 24 reduced price lunches under the Richard B. Russell
 25 National School Lunch Act (42 U.S.C. 1751 et seq.)

1 who are on waiting lists for charter schools under
2 the jurisdiction of the eligible entity, and other infor-
3 mation with respect to charter schools in such juris-
4 diction that suggest the interest of parents in char-
5 ter school enrollment for their children;

6 (4) the number of students attending identified
7 schools and schools with a low graduation rate in the
8 State where an eligible entity intends to replicate or
9 expand eligible public charter schools; and

10 (5) the success of the eligible entity in over-
11 seeing public charter schools and the likelihood of
12 continued or increased success because of the grant
13 under this Act.

14 (c) DURATION OF GRANTS.—Grants under this Act
15 shall be awarded for a period of up to 5 years and may
16 be continued for up to a period of 5 additional years at
17 the discretion of the Secretary.

18 **SEC. 4. APPLICATION REQUIREMENTS.**

19 (a) APPLICATION REQUIREMENTS.—To be consid-
20 ered for a grant under this Act, an eligible entity shall
21 submit an application to the Secretary at such time, in
22 such manner, and containing such information as the Sec-
23 retary may require.

24 (b) CONTENTS.—The application described in sub-
25 section (a) shall include, at a minimum, the following:

1 (1) RECORD OF SUCCESS.—Documentation of
2 the record of success of the eligible entity in over-
3 seeing or operating public charter schools, includ-
4 ing—

5 (A) the performance of students on the
6 academic assessments described in section
7 1111(b)(3) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(b)(3))
9 of the State where such schools are located,
10 disaggregated by—

11 (i) economic disadvantage;

12 (ii) race and ethnicity;

13 (iii) disability status; and

14 (iv) level of English proficiency;

15 (B) the status of such schools under sec-
16 tion 1116 of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 6316) in
18 making adequate yearly progress or as identi-
19 fied schools; and

20 (C) in the case of high schools, the gradua-
21 tion rates and rates of college enrollment and
22 persistence of such schools.

23 (2) PLAN.—A plan for using funds received
24 under this Act for—

1 (A) replicating and expanding eligible char-
2 ter schools operated or overseen by the eligible
3 entity;

4 (B) identifying eligible public charter
5 schools, or networks of public charter schools,
6 to receive subgrants under this Act;

7 (C) increasing the number of seats in eligi-
8 ble public charter schools for students attending
9 identified schools and schools with a low grad-
10 uation rate;

11 (D) ensuring that eligible public charter
12 schools receiving a subgrant under this Act en-
13 roll students through a random lottery for ad-
14 mission, unless the charter school is using the
15 subgrant to expand the school to serve addi-
16 tional grades, in which case such school may re-
17 serve seats in the additional grades for—

18 (i) each student enrolled in the grade
19 preceding each such additional grade; and

20 (ii) siblings of students enrolled in the
21 charter school, if such siblings desire to en-
22 roll in such grade;

23 (E) the manner in which the eligible entity
24 will work with identified schools, and schools
25 with low graduation rates, under its jurisdiction

1 or the jurisdiction where the eligible entity in-
2 tends to replicate or expand eligible public char-
3 ter schools, and the local educational agencies
4 serving such schools that are eligible to enroll
5 students in a public charter school receiving a
6 subgrant under this Act, to—

7 (i) engage in community outreach and
8 communicate with parents of students at
9 identified schools and schools with low
10 graduation rates who are eligible to attend
11 a public charter school receiving a
12 subgrant under this Act about the oppor-
13 tunity to enroll in such school, in a manner
14 consistent with section 444 of the General
15 Education Provisions Act (commonly
16 known as the “Family Educational Rights
17 and Privacy Act of 1974” (20 U.S.C.
18 1232g));

19 (ii) notify parents of students at such
20 schools of the option to transfer to an eli-
21 gible public charter school receiving a
22 subgrant under this Act;

23 (iii) provide information to parents of
24 students at such schools, in a language
25 that the parents can understand, to enable

1 the parents to make informed decisions re-
2 garding such students; and

3 (iv) ensure that a student can con-
4 tinue to attend an eligible public charter
5 school if the public charter school the stu-
6 dent was attending in the previous school
7 year is no longer an eligible public charter
8 school;

9 (F) disseminating to public schools under
10 the jurisdiction of the eligible entity, in a man-
11 ner consistent with section 444 of the General
12 Education Provisions Act (20 U.S.C. 1232g)
13 (commonly known as the “Family Educational
14 Rights and Privacy Act of 1974”), the best
15 practices learned by awarding subgrants to eli-
16 gible public charter schools under this Act, with
17 particular emphasis on the best practices with
18 respect to—

19 (i) focusing on closing the achieve-
20 ment gap; and

21 (ii) successfully serving the education
22 needs of low-income students.

23 (3) CHARTER SCHOOL INFORMATION.—The
24 number of—

1 (A) eligible public charter schools that are
2 operating in the State in which the eligible enti-
3 ty intends to award subgrants under this Act;

4 (B) eligible public charter schools approved
5 to open in the next school year in such State;

6 (C) eligible public charter schools likely to
7 open during the duration of the grant to the eli-
8 gible entity in such State;

9 (D) available openings in eligible public
10 charter schools in such State that could be cre-
11 ated through the replication or expansion of
12 such schools if the grant is awarded to the eligi-
13 ble entity;

14 (E) students on charter school waiting lists
15 (if such lists are available) in—

16 (i) the State where the eligible entity
17 intends to replicate or expand eligible pub-
18 lic charter schools; and

19 (ii) in the local educational agency
20 serving eligible public charter schools that
21 may receive subgrants under this Act from
22 the eligible entity;

23 (F) students, and the percentage of stu-
24 dents, who attend identified schools and schools
25 with a low graduation rate, in the State where

1 the eligible entity intends to replicate or expand
2 eligible public charter schools; and

3 (G) students, and the percentage of stu-
4 dents, in a local educational agency who are at-
5 tending eligible public charter schools that may
6 receive a subgrant under this Act from the eli-
7 gible entity.

8 (4) TRADITIONAL PUBLIC SCHOOL INFORMA-
9 TION.—In the case of an eligible entity that is a
10 State educational agency or local educational agency,
11 a list of the following schools under the jurisdiction
12 of the eligible entity, including the name and loca-
13 tion of each such school, and such demographic and
14 socioeconomic information as the Secretary may re-
15 quire:

16 (A) Identified schools.

17 (B) Schools with a low graduation rate.

18 (5) ASSURANCE.—An assurance that the State
19 educational agency will include in the notifications
20 provided under section 1116(c)(6) of the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C.
22 6316(c)(6)) to parents of each student enrolled in a
23 school served by a local educational agency identified
24 for improvement under such section, information (in
25 a language that the parents can understand) about

1 the eligible public charter schools receiving sub-
2 grants under this Act.

3 **SEC. 5. PRIORITIES FOR AWARDING GRANTS.**

4 In awarding grants under this section, the Secretary
5 shall give priority to an eligible entity—

6 (1) that serves or plans to serve a large per-
7 centage of low-income students from identified
8 schools or public schools with a low graduation rate;

9 (2) that oversees or plans to oversee one or
10 more eligible public charter schools;

11 (3) that is effectively monitoring the academic
12 success of students who attend eligible public charter
13 schools under the jurisdiction of the eligible entity;

14 (4) that is under the jurisdiction of, or plans to
15 make subgrants under this Act in, a State that—

16 (A) ensures that all public charter schools
17 (including such schools served by a local edu-
18 cational agency and such schools considered to
19 be a local educational agency under State law)
20 receive, in a timely manner, the Federal, State,
21 and local funds to which such schools are enti-
22 tled under applicable law; and

23 (B) does not have a cap that restricts the
24 growth of public charter schools in the State;

1 (C) provides funding (such as capital aid
2 distributed through a formula or access to rev-
3 enue generated bonds) on a per-pupil basis to
4 public charter schools (including funding for
5 school facilities) commensurate with the amount
6 of funding (including funding for school facili-
7 ties) provided to traditional public schools;

8 (D) supports public charter schools, and
9 has in place innovative policies that support
10 academically successful charter school growth;

11 (E) authorizes public charter schools to
12 offer early childhood education programs, in-
13 cluding pre-kindergarten, in accordance with
14 State law;

15 (F) ensures that each public charter school
16 in the State—

17 (i) has a high degree of autonomy
18 over the public charter school's budgets
19 and expenditures;

20 (ii) has a written performance con-
21 tract with an authorized public chartering
22 agency that ensures that the school has an
23 independent governing board and such
24 board has a high degree of autonomy; and

1 (iii) in the case of an eligible public
2 charter school receiving a subgrant under
3 this Act, amends its charter to reflect the
4 growth activities described in section 6;

5 (G) has an appeals process for the denial
6 of an application for a charter school;

7 (H) provides for an authorized public char-
8 tering agency that is not a local educational
9 agency, such as a State chartering board, for
10 each individual or entity seeking to operate a
11 charter school pursuant to such State law;

12 (I) allows any public charter school to be
13 a local educational agency in accordance with
14 State law;

15 (J) ensures that each authorized public
16 chartering agency in the State submits reports
17 to the State educational agency (which shall be
18 made public) on the performance of the schools
19 authorized or approved by such public char-
20 tering agency, which includes information such
21 as—

22 (i) the authorized public chartering
23 agency's strategic plan for authorizing or
24 approving public charter schools and any

1 progress toward achieving the objectives of
2 the strategic plan;

3 (ii) the authorized public chartering
4 agency's policies for authorizing or approv-
5 ing public charter schools, including wheth-
6 er (among other factors) such policies ex-
7 amine a school's—

8 (I) financial plan and policies, in-
9 cluding financial controls and audit
10 requirements;

11 (II) plan for identifying and suc-
12 cessfully (in compliance with applica-
13 ble laws and regulations) serving stu-
14 dents with disabilities, students who
15 are English language learners, stu-
16 dents who are academically behind
17 their peers, and gifted students; and

18 (III) capacity and capability to
19 successfully launch and subsequently
20 operate a public charter school, in-
21 cluding the backgrounds of the indi-
22 viduals applying to the agency to op-
23 erate such school;

24 (iii) the authorized public chartering
25 agency's policies for renewing, not renew-

1 ing, and revoking public charter schools'
2 charters;

3 (iv) the authorized public chartering
4 agency's transparent, timely, and effective
5 process for closing down academically un-
6 successful charter schools;

7 (v) the academic performance of each
8 operating public charter school authorized
9 or approved by the authorized public char-
10 tering agency, including the information
11 reported by the State in the State annual
12 report card under section 1111(h)(1)(C) of
13 the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 6311(h)(1)(C));

15 (vi) the status of the authorized public
16 chartering agency's charter school port-
17 folio, identifying all charter schools in the
18 categories of approved (but not yet open),
19 operating, renewed, transferred, revoked,
20 not renewed, voluntarily closed, or never
21 opened by such public chartering agency;

22 (vii) the authorizing functions (such
23 as approval, monitoring, and oversight)
24 provided by the authorized public char-
25 tering agency to the public charter schools

1 authorized or approved by such agency, in-
2 cluding an itemized accounting of the ac-
3 tual costs of such functions; and

4 (viii) the services purchased (such as
5 accounting, transportation, and data man-
6 agement and analysis) from the public
7 chartering agency by the public charter
8 schools authorized or approved by such
9 agency, including an itemized accounting
10 of the actual costs of these services;

11 (K) has or will have (within 1 year after
12 receiving a grant award under this Act) a State
13 policy and process for overseeing and reviewing
14 the effectiveness and quality of the State's au-
15 thorized public chartering agencies, including—

16 (i) a process for reviewing and evalu-
17 ating the performance of the authorized
18 public chartering agencies in authorizing
19 or approving charter schools, including a
20 process that enables the authorized public
21 chartering agencies to respond to any
22 State concerns or deficiencies regarding
23 such authorizing or approving; and

24 (ii) any other necessary policies to en-
25 sure effective charter school authorizing in

1 the State that are developed in conjunction
2 with the State’s charter school community
3 in accordance with the principles of quality
4 charter school authorizing, as determined
5 by the State in consultation with the char-
6 ter school community and stakeholders;
7 and

8 (L) that, in the case of an eligible entity
9 that is a local educational agency under State
10 law, has a cooperative agreement under section
11 1116(b)(11) of the Elementary and Secondary
12 (20 U.S.C. 6316(b)(11)).

13 **SEC. 6. USE OF FUNDS.**

14 An eligible entity receiving a grant under this Act
15 may only use the grant funds for the following:

16 (1) SUBGRANTS.—

17 (A) IN GENERAL.—To award subgrants, in
18 such amount as the eligible entity determines is
19 appropriate, to eligible public charter schools to
20 replicate or expand such schools.

21 (B) APPLICATION.—An eligible public
22 charter school desiring to receive a subgrant
23 under this section shall submit an application to
24 the eligible entity at such time, in such manner,

1 and containing such information as the Sec-
2 retary may require.

3 (C) USES OF FUNDS.—An eligible public
4 charter school receiving a subgrant under this
5 section shall use the subgrant funds to—

6 (i) provide for increases in each such
7 school's enrollment of students through the
8 replication or expansion of such school;

9 (ii) support the physical expansion of
10 school buildings, including financing the
11 development of new buildings and cam-
12 puses to meet increased enrollment needs;

13 (iii) pay costs associated with hiring
14 additional teachers to serve additional stu-
15 dents;

16 (iv) provide transportation to addi-
17 tional students to and from each such
18 school, including providing transportation
19 to students who transfer to each such
20 school under a cooperative agreement es-
21 tablished under section 1116(b)(11) of the
22 Elementary and Secondary Education Act
23 of 1965 (20 U.S.C. 6316(b)(11));

24 (v) purchase instructional materials,
25 implement teacher and principal profes-

1 sional development programs, and hire ad-
2 ditional non-teaching staff; and

3 (vi) support any necessary activities
4 associated with each such school serving
5 additional students.

6 (D) PRIORITY.—In awarding subgrants
7 under this section, an eligible entity shall give
8 priority to each eligible public charter school—

9 (i) that has significantly closed the
10 achievement gap between the groups of
11 students described in section
12 1111(b)(2)(C)(v) of the Elementary and
13 Secondary Education Act of 1965 (20
14 U.S.C. 6311(b)(2)(C)(v));

15 (ii) that—

16 (I) ranks in at least the top 25th
17 percentile in the State, based on en-
18 rollment, among all students ranked
19 by the percentage of students in the
20 proficient or advanced level of achieve-
21 ment on the State’s academic assess-
22 ments in mathematics and reading de-
23 scribed in section 1111(b)(3) of the
24 Elementary and Secondary Act of
25 1965 (20 U.S.C. 6311(b)(3)), or has

1 an average student score on an exam
2 (chosen by the Secretary) that is at
3 least in the 60th percentile in reading
4 and at least in the 75th percentile in
5 math; and

6 (II) serves a high-need student
7 population and is eligible to partici-
8 pate in a schoolwide program under
9 section 1114 of the Elementary and
10 Secondary Education Act of 1965 (20
11 U.S.C. 6314), with additional priority
12 given to schools that serve a greater
13 percentage of low-income students, as
14 compared to other schools that have
15 submitted an application under this
16 section, and at least 2 groups of stu-
17 dents described in section
18 1111(b)(2)(C)(v) of such Act (20
19 U.S.C. 6311(b)(2)(C)(v)); or

20 (iii) that meets the criteria described
21 in clause (i) and serves low-income stu-
22 dents who have transferred to such school
23 under a cooperative agreement described in
24 section 1116(b)(11) (20 U.S.C.
25 6316(b)(11)).

1 (E) DURATION OF SUBGRANT.—A
2 subgrant under this section shall be awarded
3 for a period of up to 5 years.

4 (2) FACILITY FINANCING AND REVOLVING LOAN
5 FUND.—An eligible entity may use up to 20 percent
6 of the amount of the grant funds received under this
7 Act to establish a reserve account described in sec-
8 tion 7 to facilitate public charter school facility ac-
9 quisition and development by—

10 (A) conducting credit enhancement initia-
11 tives (as referred to in subpart 2 of part B of
12 title V of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 7223 et seq.) in
14 support of the development of facilities for eligi-
15 ble public charter schools serving students;

16 (B) establishing a revolving loan fund for
17 use by an eligible public charter school receiving
18 a subgrant under paragraph (1) from the eligi-
19 ble entity under such terms as may be deter-
20 mined by the eligible entity to allow such school
21 to expand to serve additional students;

22 (C) facilitating, through direct expenditure
23 or financing, the acquisition or development of
24 public charter school buildings by the eligible
25 entity or an eligible public charter school receiv-

1 ing a subgrant under paragraph (1) from the
2 eligible entity, which may be used as both per-
3 manent locations for eligible public charter
4 schools or incubators for growing charter
5 schools; or

6 (D) establishing a partnership with 1 or
7 more community development financial institu-
8 tions (as defined in section 103(5) of the Com-
9 munity Development Banking and Financial In-
10 stitutions Act of 1994 (12 U.S.C. 4702(5)) or
11 other mission-based financial institutions to
12 carry out the activities described in subpara-
13 graphs (A), (B), and (C).

14 (3) ADMINISTRATIVE TASKS AND OUTREACH.—

15 (A) IN GENERAL.—An eligible entity may
16 use not more than 5 percent of the grant funds
17 awarded under this Act to cover the administra-
18 tive tasks and outreach associated with carrying
19 out paragraphs (1) and (2).

20 (B) NONPROFIT ASSISTANCE.—In carrying
21 out the administrative tasks and outreach de-
22 scribed in subparagraph (A), eligible entities
23 may contract with an organization described in
24 section 501(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 501(c)(3)) and exempt from

1 tax under section 501(a) of such Code (26
2 U.S.C. 501(a)).

3 **SEC. 7. RESERVE ACCOUNT.**

4 (a) IN GENERAL.—To assist eligible entities in the
5 development of new public charter school buildings or fa-
6 cilities for eligible public charter schools serving students,
7 an eligible entity receiving a grant under this Act that the
8 entity has allocated for such purpose may, in accordance
9 with State and local law, directly or indirectly, alone or
10 in collaboration with others, deposit the funds received
11 under this Act in a reserve account established and main-
12 tained by the eligible entity for that purpose.

13 (b) INVESTMENT.—Funds received under this Act
14 and deposited in the reserve account established under this
15 section shall be invested in obligations issued or guaran-
16 teed by the United States or a State, or in other similarly
17 low-risk securities.

18 (c) REINVESTMENT OF EARNINGS.—Any earnings on
19 funds received under this section shall be deposited in the
20 reserve account established under this section and used
21 in accordance with the purpose described in subsection (a).

22 (d) RECOVERY OF FUNDS.—

23 (1) IN GENERAL.—The Secretary, in accord-
24 ance with chapter 37 of title 31, United States
25 Code, shall collect—

1 (A) all funds in a reserve account estab-
2 lished by an eligible entity under this section if
3 the Secretary determines, not earlier than 2
4 years after the date the eligible entity first re-
5 ceived funds under this Act, that the eligible en-
6 tity has failed to make substantial progress car-
7 rying out the purpose described in subsection
8 (a); or

9 (B) all or a portion of the funds in a re-
10 serve account established by an eligible entity
11 under this section if the Secretary determines
12 that the eligible entity has permanently ceased
13 to use all or a portion of funds in such account
14 to accomplish the purpose described in sub-
15 section (a).

16 (2) EXERCISE OF AUTHORITY.—The Secretary
17 shall not exercise the authority provided in para-
18 graph (1) to collect from any eligible entity any
19 funds that are being properly used to achieve such
20 purpose.

21 (3) PROCEDURES.—Sections 451, 452, and 458
22 of the General Education Provisions Act (20 U.S.C.
23 1234; 1234a; 1234g) shall apply to the recovery of
24 funds under paragraph (1).

1 (4) CONSTRUCTION.—This subsection shall not
2 be construed to impair or affect the authority of the
3 Secretary to recover funds under part D of the Gen-
4 eral Education Provisions Act (20 U.S.C. 1234 et
5 seq.).

6 (e) REALLOCATION.—Any funds collected by the Sec-
7 retary under subsection (d) shall be awarded to eligible
8 entities receiving grants under this Act in the next fiscal
9 year.

10 **SEC. 8. FINANCIAL RESPONSIBILITY.**

11 The financial records of each eligible entity and eligi-
12 ble public charter school receiving a grant or subgrant
13 under this Act shall be maintained in accordance with gen-
14 erally accepted accounting principles and shall be subject
15 to an annual audit by an independent public accountant.

16 **SEC. 9. NATIONAL EVALUATION.**

17 (a) NATIONAL EVALUATION.—From the amounts ap-
18 propriated under section 13, not sooner than 3 years after
19 the date of the enactment of this Act, the Secretary shall
20 conduct an independent, comprehensive, and scientifically
21 sound evaluation, by grant or contract and using the high-
22 est quality research design available, of the impact on stu-
23 dent achievement of the activities carried out under this
24 Act.

1 (b) REPORT.—Not later than 4 years after the date
2 of the enactment of this Act, and biannually thereafter,
3 the Secretary shall submit to Congress a report on the
4 results of the evaluation described in subsection (a).

5 **SEC. 10. REPORTS.**

6 Each eligible entity receiving a grant under this Act
7 shall prepare and submit to the Secretary the following:

8 (1) REPORT.—A report that contains such in-
9 formation as the Secretary may require concerning
10 use of the grant funds by the eligible entity, includ-
11 ing the academic achievement of the students at-
12 tending eligible public charter schools as a result of
13 the grant. Such report shall be submitted before the
14 end of the 4-year period beginning on the date of en-
15 actment of this Act and every 2 years thereafter.

16 (2) PERFORMANCE INFORMATION.—Such per-
17 formance information as the Secretary may require
18 for the national evaluation conducted under section
19 10(a).

20 **SEC. 11. REGULATIONS.**

21 The Secretary is authorized to prescribe regulations
22 necessary to implement this Act.

23 **SEC. 12. DEFINITIONS.**

24 In this Act, the following definitions apply:

1 (1) ADEQUATE YEARLY PROGRESS.—The term
2 “adequate yearly progress” has the meaning given
3 such term in a State’s plan under section
4 1111(b)(2)(C) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6311(b)(2)).

6 (2) ADMINISTRATIVE TASKS AND OUTREACH.—
7 The term “administrative tasks and outreach” in-
8 cludes costs and activities associated with—

9 (A) recruiting and selecting students to at-
10 tend eligible public charter schools;

11 (B) outreach to parents of students en-
12 rolled in identified schools or schools with low
13 graduation rates;

14 (C) providing information to such parents
15 and school officials at such schools regarding el-
16 igible public charter schools receiving subgrants
17 under this Act; and

18 (D) necessary oversight of the grant pro-
19 gram.

20 (3) AUTHORIZED PUBLIC CHARTERING AGEN-
21 CY.—The term “authorized public chartering agen-
22 cy” has the meaning given such term under section
23 5210(4) of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 7221i(4)).

1 (4) CHARTER SCHOOL.—The term “charter
2 school” has the meaning given such term under sec-
3 tion 5210(1) of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7221i(1)) and shall
5 include dual language charter schools and charter
6 schools providing pre-kindergarten and adult edu-
7 cation services.

8 (5) DEVELOPER.—The term “developer” has
9 the meaning given such term under section 5210(2)
10 of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7221i(2))).

12 (6) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) a State educational agency;

15 (B) an authorized public chartering agen-
16 cy;

17 (C) a local educational agency that has au-
18 thorized or is planning to authorize a public
19 charter school; or

20 (D) an organization—

21 (i) described in section 501(c)(3) of
22 the Internal Revenue Code of 1986 (26
23 U.S.C. 501(c)(3));

1 (ii) exempt from tax under section
2 501(a) of such Code (26 U.S.C. 501(a));
3 and

4 (iii) that has an organizational mis-
5 sion and record of success supporting the
6 replication and expansion of high-quality
7 charter schools.

8 (7) ELIGIBLE PUBLIC CHARTER SCHOOL.—The
9 term “eligible public charter school” means a char-
10 ter school, including a charter school that is being
11 developed by a developer—

12 (A) that has made adequate yearly
13 progress for the last 2 consecutive school years;
14 and

15 (B) if a high school, that has met or ex-
16 ceeded the most recent graduation rate identi-
17 fied by the State receiving a grant under this
18 Act for the purposes of defining adequate yearly
19 progress in such State under section
20 1111(b)(2)(C) the Elementary and Secondary
21 Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

22 (8) IDENTIFIED SCHOOL.—The term “identified
23 school” means a school identified for school improve-
24 ment, corrective action, or restructuring under sec-

tion 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(9) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency”—

(A) has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) includes any charter school that is a local educational agency (as defined in subparagraph (A)), as determined by State law.

(10) LOW-INCOME STUDENT.—The term “low-income student” means a student eligible for free or reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)

(11) GRADUATION RATE.—The term “graduation rate” has the meaning given the term in section 1111 (b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

(12) SCHOOL YEAR.—The term “school year” has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

1 (13) SECRETARY.—The tem “Secretary” means
2 the Secretary of Education.

3 (14) STATE.—The term “State” means each of
4 the several States, the District of Columbia, the
5 Commonwealth of Puerto Rico, the United States
6 Virgin Islands, Guam, American Samoa, the Com-
7 monwealth of the Northern Mariana Islands, and
8 the Bureau of Indian Affairs for purposes of serving
9 schools funded by the Bureau.

10 (15) STATE EDUCATIONAL AGENCY.—The term
11 “State educational agency” has the meaning given
12 such term in section 9101 of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 7801).

14 (16) TRADITIONAL PUBLIC SCHOOL.—The term
15 “traditional public school” does not include charter
16 schools as defined under section 5210(1) of the Ele-
17 mentary and Secondary Education Act of 1965 (20
18 U.S.C. 7221i(1)).

19 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act \$500,000,000 for fiscal year 2010 and such sums
22 as may be necessary for each of the 5 succeeding fiscal
23 years.

